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Alfred S. Hartwell Now Chief Justice

(Continued from Page One.)

lies Judd, Justices Bickerton, Perry, Whiting, Galbraith, Hatch, Hartwell and Wilder. I have, it goes without saying, made mistakes, but my heart has been in the work and I have given or endeavored to give the best that was in me to the service.

Work on an appellate bench, to my mind, is almost ideal; it is the careful and quiet work of the student, striving for the sublime ends of justice by methods almost mathematical in their nicety, for the solution of questions of infinite variety arising out of every phase of life. All this work has brought me many hours of weariness and worry. It has been made doubly pleasant because of the courtesy, the generous mindedness and the able assistance which I have had from those with whom it has been my privilege to work, both on the bench and at the bar. I have always been jealous of the good name of the court, the sixty years' record of which, if I may be permitted to say so, without any reference to the small part that I may have played in it, has been one of the brightest pages in Hawaiian history. I have no fears for its future; its immediate future certainly is secure, with such men as Chief Justice Hartwell and Mr. Justice Wilder and Mr. Justice Ballou. I congratulate them all on the pleasure which they may well anticipate in being associated in this grand work, and I congratulate the bar and the community in having such men on the bench, who will maintain the highest standards of judicial administration.

TRIBUTE OF THE BAR.

President A. G. M. Robertson of the Hawaiian Bar Association then extended the congratulatory of the local legal fraternity and expressed the appreciation felt by the members of the association to the retiring Chief Justice for his actions toward them. Mr. Robertson said:

May it please the court, I have been delegated by the Bar Association to present the following resolution on behalf of the members of the bar of this court:

"Whereas, Honorable Walter F. Frear, Chief Justice of the Supreme Court of Hawaii, is about to retire from the position which he has occupied since the 5th day of July, 1900; "Resolved, That the members of the Bar of this Court, desiring to record their tribute to the unfailing courtesy, sturdy honesty and marked ability with which Chief Justice Frear has performed the duties of his high office, hereby express their sincere regret at the loss of the services of a good and upright Judge whose great patience, unrelenting diligence and unswerving devotion to duty has at all times commended their appreciation and respect; "Resolved Further, That the members of this Bar tender to Judge Frear their cordial congratulations upon his appointment to the office of Governor of Hawaii, wishing him the fullest measure of success in his new office; "Resolved Also, That a copy of these



CHARLES B. HEMENWAY, ATTORNEY GENERAL OF HAWAII.

resolutions be handed to Chief Justice Frear.

"Honolulu, Territory of Hawaii, August 15, A. D. 1907."

In asking that these resolutions be spread on the minutes of the court the members of the bar desire to express their sincere regret at the fact that they are now compelled to part with Chief Justice Frear. Judge Frear's career on the bench in this country, as circuit judge, associate justice and chief justice, has at all times commanded the esteem and admiration of the practitioners at the bar, and they desire to take this opportunity of extending their thanks to the retiring Chief Justice for the unfailing courtesy with which he has treated them at all times. It is a considerable pleasure to be able to say a part of the admiration and respect in the presence of the persons referred to. It is too often our unfortunate lot that we say these things after the person referred to has passed beyond hearing. Such is not the case here and we are glad of it.



SIDNEY MILLER BALLOU, ASSOCIATE JUSTICE OF THE SUPREME COURT.

and we hope that it will be understood that in preparing this resolution we have, principally for the reason referred to, understated our feelings and our sympathies rather than exaggerated them.

I move that the resolutions be placed on the minutes.

CONGRATULATIONS FROM COLLEAGUES.

Justice Hartwell, following Mr. Robertson, said:

"Chief Justice Frear, allow me to express to you my appreciation of the courtesy and consideration which I have received from you while associated with you here. During all of that time in assigning the cases of the court you have been in the habit of consulting the preferences of your associates. In conferences you have carefully avoided any attempt to dominate results. On the contrary, it has been your habit in matters of any doubt first to ascertain the views of your associates, withholding your final conclusion until a full discussion, and until you had made a careful study of the record and of every aspect of the case. This power of suspending judgment until the facts and the law applicable to them are well considered is one of the highest qualities of a judicial mind. Your habit of careful deliberation will be very useful to the Territory in the performance of your duties as its chief executive. Your course as Governor of Hawaii, as well as that of Governor Carter, will alike justify your alma mater of Yale in saying, 'Quae regio in terris nostri non plena laboris.'"

"You will long be missed from this bench, over which you have presided with dignity and wisdom, and to the decisions of which you have given an amount of learning and industry unsurpassed by any of your predecessors. May success attend you."

Justice Wilder added a few words to those of Justice Hartwell. He said:

"I fully approve of the remarks made by Justice Hartwell. The result of my various associations with Chief Justice Frear is that the more I have seen of him the more I have admired his justice and tact. Personally I am sorry to lose him from this court."

HARTWELL SWORN IN.

Justice Wilder then administered the oath to Justice Hartwell, which made him Chief Justice. The newly created Chief Justice then administered the oath in turn to Mr. Ballou, after which the members of the new Supreme Court seated themselves, the Chief Justice in the middle, an Associate Justice on either hand, and Judge Dole and for the time being Mr. Frear, on either side.

The first official order of the Chief Justice was to direct that the opening remarks of Mr. Frear, the resolutions of the Bar Association and the other addresses of the occasion be entered upon the records of the court.

A number of addresses of congratulation to the new members of the Supreme Court, containing also expressions of regret that the court was to lose the services of Mr. Frear, were made.

W. O. SMITH.

W. O. Smith spoke as follows: May it please the court, I rise to second the motion made by Mr. Robertson, and in so doing desire to express my own high regard and appreciation, and my own feeling of regret, as has already been voiced by Mr. Robertson, on your retirement.

But this is not an occasion of mourning and sorrow and the best wishes of the bar, individually and collectively, will follow you to the new responsibilities and duties upon which you are about to enter.

The Supreme Court of these islands has had a great history in the events of this little country, which in the past have been of very grave moment and of very serious importance. The Supreme Court, as said by Dr. Alexander in his history, has been the greatest pillar of the government. Many times in the past; it has been the reliance of the community; the community has relied upon the Supreme Court as the final check, the final arbiter, to which they could look for safety, for protection and for help. Every year, every epoch brings these issues and this care. There are questions now; there will be more in the future. But there are certain classes of issues, questions and responsibilities which the court in the past, under the monarchy, and when we were a republic, when we were still an independent government which do not arise now; questions which taxed the judgment of the court very greatly and which we, in looking back upon it, can say that the country is to be congratulated and owes a great deal to the Supreme Court for guidance, to the work as done in the past. You may rest assured, Mr. Chief Justice, as you enter upon your new duties, that the best wishes of the bar and the members of the bar will follow you, and that you can depend upon them ever and at all times for any assistance which you may desire of them.

The lawyers in every country, and in this country especially, have ever had a great deal to do with shaping its destiny, and they will have in the future. Coming to this high office with your trained legal experience you will have an advantage, and we look to the future with anticipation of pleasure and expressions of pleasure and expectations of a successful administration and one of great benefit to the country.

It has been my good fortune to have known personally every Judge of the Supreme Court, although Chief Justice Lee died in 1857 when I was a child. I was a dear friend of my father and I met him when I was a little boy, and remember very keenly his interest in children, and of the other judges I have known every one personally.

The longest term of office on the supreme bench, as Chief Justice, was that of Chief Justice Allen, who served nineteen years and seven months; next was Chief Justice Todd with fifteen years, but the longest term of the bench, both as associate and chief, was that of Chief Justice Judd, which was nearly twenty-four years. Your Honor has been on the bench of this court for fourteen years and a half, seven of which have been as Chief Justice, and it is with pleasure that we look back upon the record, and our best wishes go with you.

D. L. WITHINGTON.

D. L. Withington paid his tribute to the Hawaiian Bench in the following words:

May it please the court, the fathers of this country, in its first constitution laid down the rule that no law should be enacted that was not in consonance with the law of Jehovah, and the student of law, whether he looks in the code of Hammurabi, the Decalogue of Moses, the code of Justinian or the village customs of our

Germanic fathers will find that each sprang from a higher source. There is an overruling Providence, or whatever you may call it, which finds its mission in justice towards men, and I think that the rule which courts must follow is to be found, not in deciding cases, not even in doing justice in any individual case; it is by laying down law which is in consonance with the higher and overruling law.

It is not only the prerogative or duty of a judge to render a just decision in any given case, but he must preserve the moral effect of that judgment. It is not enough that he should have the conviction of personal disinterestedness and that he should render a correct judgment on the law and upon the evidence; he must see to it that his judgment is preserved in the opinion of those for whom it is rendered, —the nation, the Territory, the community surrounded by an atmosphere of moral integrity. He must keep himself from even the suspicion of insensible bias.

Sir, I believe that the bar of this Territory are grateful to you that you, in the administration of your high office, have adhered to these principles; that you have sought with high purpose and with high reasoning powers to drink from the fount of law and write it into the decisions of this court; that you have sought to lift the cause which was before the court above the suspicion of influence or bias and decide it in that high atmosphere in which every cause should be decided, and although it is a matter of regret and grief that you should be removed to another sphere, the more I reflect upon it the more I rejoice. There is no place over which the flag of the nation waves where there is a greater opportunity for work in the interest of the American people and the advancement of American ideas. Here we are facing one civilization and coming from another, and I believe that your experience upon the bench in the last fourteen years will fit you for the task. I pray that you may go forward with a high courage, with an unflinching purpose, and I believe there will be a great meed of performance. It is a great pleasure to me that at the request of the bar I can second the resolutions which have been offered.

MANY OTHER SPEAKERS.

Besides the addresses given above were several others, Frank Thompson, A. Lewis, W. A. Kinney and others speaking, the exercises being concluded with a prayer and invocation by Bishop Restarick.

JACK LONDON OFF ON HIS TRAVELS

(Continued from Page One.)

Automobiles, hacks and electric cars took the crowd to the wharf. Many notable persons were on hand and a number were invited aboard the Snark by her crew to say good-bye to the Londons and take a last look at the splendid little craft. Mrs. London wore a white-duck sailor suit and her husband and the rest of the crew were in white.

Mr. and Mrs. Lorrin Thurston, W. O. Smith, J. P. Cooke, Mr. and Mrs. Fred Church and Mr. and Mrs. Charles Weston were among the first to board the Snark to bid the Londons' bon voyage. Mrs. Weston had an ill-luck for the neck of each of the Snark's crew and to these were soon added other decorations. "There isn't much room for flowers aboard," said London, and indeed there is no room to spare aboard the Snark. Forward on deck she had a number of sacks of firewood, in addition to three forward water tanks, full, gasoline tanks, anchors and chains and other gear, all of which put her head down rather than she'll want to carry it in heavy weather.

There were many kodaks working as the Snark prepared to leave the wharf and many good pictures were taken. Mrs. London kindly posing aft and the crew at stations. Jean Fenelon, the long-haired, gentle genius who has studied for the priesthood, wore a carnation lei that just fitted his coiffure. While he was making a picture thus, young Johnson, the chief, chief engineer and engraver, got stuck in the engine-room man-hole and by the hair of his head, much to the delight of the crowd on the wharf.

Mrs. London has a special pet signal for her husband aboard ship. If she wants him she cries "Toot-toot." The wharf spectators got on to this very quickly and half of them went up town to spread the new wrinkle, the girls calling "Toot-toot" to their friends of the weaker sex.

On Hawaii the Londons will visit Dr. Goodhue and family; they do not know for how long. This is one very delightful thing about the cruise of the Snark, her owners have no set itinerary and will go around the world any old way the spirit happens to move them. Their present intention is to go to Christmas Island from Hawaii.

"I feel as if I was leaving home again," cried little Mrs. London the last thing as the Snark left the wharf.

ENGINEERS MEET AND HEAR PAPER

L. E. Pinkham Addresses the Association on Good Roads.

The regular monthly meeting of the Hawaiian Engineering Association was held last night at its rooms in the Kaplani building, the feature of the evening being the reading of a paper on "Street Construction, Utilization, Preservation; and the Installation of Public Utilities," which was read by L. E. Pinkham. An attendance of thirty members showed their appreciation of the able handling of the subject.

After the reading of the paper, a general discussion on the subject took place, during which remarks were made by County Engineer Gere, Marston Campbell and J. D. Gaines. Another matter of great importance to the association was then taken up. It was decided to purchase the "International Library of Technology," to be used as a source of reference by the members of the association. The sum of \$50 was appropriated from the treasury of the association and a committee of five members appointed to raise the money necessary to complete the purchase.

President Edward C. Brown, who has been away on a long trip through the States, told an interesting story of his trip, naming many important plants which he had visited while away, and recounting the various perfections in the matter of buildings and machinery which he had seen.

Next month the annual meeting of the association will take place, as well as the annual entertainment. The usual good time is expected. Last year it took the form of the "Annual Bath" for the members of the association at Waikiki.

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Doors open at 7:30 p. m.

Tickets for reserved seats will be exchanged at the store of Wall, Nichols & Co., Ltd., after August 12th.

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